

# **EXHIBIT AAB**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to: *All Actions*

**REBUTTAL REPORT OF EVAN FRANCOIS KOHLMANN**

I have been asked by Plaintiffs' attorneys to review a series of reports submitted by defense experts in the present case. I was thereupon requested to draft a rebuttal document in response to these reports. As I have already addressed many of these topics at great length in my original Report, I have focused primarily on citing additional source material not covered previously that would help resolve issues of contention.

**I. Abdullah Azzam, Makhtab al-Khademat (Mujahideen Services Office), and the Founding of Al-Qaida**

1. Reports from defense experts Roy, Brown, and Sageman make a number of incorrect or misleading statements about Abdullah Azzam, Makhtab al-Khademat (Mujahideen Services Office, MAK), and the founding of Al-Qaida. The errors include but are not limited to:

- a) Failing to address or acknowledge MAK's offices and activities outside of Peshawar, Pakistan—including links between its office in Brooklyn and the 1993 World Trade Center bombing;
- b) Failing to address or acknowledge statements by Abdullah Azzam, Usama Bin Laden, and other key Al-Qaida leaders embracing fellow Sunni Muslims who share a strong belief in violent jihad, regardless of any sectarian differences;
- c) Failing to address or acknowledge statements by Abdullah Azzam, Usama Bin Laden, and other key Al-Qaida leaders, associates, and/or financiers prior to 1993 (or the evidence of such statements) that disparaged the United States and Western world; framed the United States as an enemy of Islam and an enemy of the mujahideen; supported using Afghanistan as a base to train jihadists for external military operations; and, called for acts of violence targeting the United States and other Western nations;

the two mere fiction.’ The link was described not in simple terms of group-to-group, but rather as ‘one of deep personal ties (including through marriage) and long-term sense of brotherhood.’”<sup>100</sup>

## **IX. Relationship Between WAMY Canada and WAMY Headquarters in Saudi Arabia**

75. A report from defense expert Marks make a number of incorrect or misleading statements about the relationship between WAMY Canada and WAMY headquarters in Saudi Arabia, generally characterizing WAMY’s office in Canada as operating on its own and making key decisions absent the direction or consistent guidance of WAMY leaders in the Kingdom (or elsewhere), and thus excusing WAMY’s organizational culpability in any illicit or untoward activity at the branch office.

76. I have been provided with documents by Plaintiffs’ attorneys pertaining to an audit of WAMY Canada’s office by the Canadian Revenue Agency (CRA). Based upon documentation provided by WAMY itself, the CRA concluded that WAMY’s headquarters in Saudi Arabia “maintains substantial control” over WAMY Canada’s finances and “uses this control to carry out its objectives in Canada.”<sup>101</sup> According to the CRA, “examples of this control” include that “WAMY (Saudi Arabia) provides substantially all of WAMY’s operations funds,” WAMY Canada representatives “advised the CRA during the audit that WAMY (Saudi Arabia) exercised a significant amount of control over their expenses,” and that WAMY’s Canada office “provides annual reports to WAMY (Saudi Arabia) regarding the organizations that it funds and the amounts it disburses to these organizations.”<sup>102</sup>

77. According to the former website of WAMY Canada, during the late 1990s, the branch office organized at least three years of Umra trips for Canadian Muslims to the Kingdom of Saudi Arabia in direct cooperation with officials at WAMY’s headquarters in Saudi Arabia.<sup>103</sup> On the Canadian side, the trips were specifically coordinated by local WAMY representative Mohamad Khatib and beneficiaries were ultimately hosted by WAMY’s main office for two weeks in Saudi Arabia.<sup>104</sup> The former website of WAMY Canada took pains to emphasize that it is part of an “international Islamic organization” whose “headquarters is in Riyadh, Saudi Arabia.... The Canadian office is supervised by the USA office in Washington D.C.”<sup>105</sup> The website also offered phone numbers and

<sup>100</sup> See <https://digitallibrary.un.org/record/3862716?ln=en>.

<sup>101</sup> FED-PEC 218170-218203. Page 6/22.

<sup>102</sup> FED-PEC 218170-218203. Pages 5/22-7/22.

<sup>103</sup> See [http://web.archive.org/web/19991110025809/http://www.interlog.com:80/~wamy/wamy\\_activities.html](http://web.archive.org/web/19991110025809/http://www.interlog.com:80/~wamy/wamy_activities.html).

<sup>104</sup> See [http://web.archive.org/web/19991003195727/http://www.interlog.com:80/~wamy/umra\\_announcement\\_1999.html](http://web.archive.org/web/19991003195727/http://www.interlog.com:80/~wamy/umra_announcement_1999.html).

<sup>105</sup> See <https://web.archive.org/web/19991002045941/http://www.interlog.com:80/~wamy/>.

contact information for other WAMY regional branches in at least 7 other countries, including Pakistan, Malaysia, and France.<sup>106</sup>

78. During this time period, Khatib communicated directly with, and “regularly submitted reports to,” WAMY Secretary General Manel al-Johani and other senior WAMY officials concerning WAMY Canada’s annual budget and the office’s “activities and achievements in Canada,” including the “development of the Canadian website of the Assembly,” “distribution of Assembly publications in Canada,” “representing the Assembly in Canada,” and “follow-up the requests for information from Canada by the Assembly offices in the Kingdom.”<sup>107</sup>

79. At the request of senior WAMY officials in Saudi Arabia, Khatib also provided Headquarters with detailed information about WAMY Canada bank accounts<sup>108</sup> and, in turn, received checks and wire transfers for hundreds of thousands of dollars from both WAMY Headquarters in Saudi Arabia, as well as WAMY’s North America base of operations in Washington D.C. for the office’s budget and expenses, including projects approved by WAMY Headquarters.<sup>109</sup>

80. When Khatib left his role at WAMY Canada in May 2001, WAMY headquarters did not remotely disavow or sanction him—but rather sent him a letter expressing “our gratitude and appreciation for the good efforts and fruitful generosity you provided during your management of the World Assembly Muslim Youth Office in Canada and your appreciated and valued role in the official registration of the Assembly with the Canadian authorities,” and asked Khatib to stay in contact with the new office director “for the support of the Assembly programs in the area.” “I ask the Almighty God to reward you for the valued and appreciated efforts you provided and still providing, may they all be in the balance of your good deeds.”<sup>110</sup> In fact, Khatib remained a member of WAMY Canada’s Board of Directors through at least the end of 2003.<sup>111</sup>

#### **X. Presence of Al-Qaida Personnel in Bosnia-Herzegovina and the Caucasus in the Mid-1990s**

80. Reports from defense experts Brown and Sageman make a number of incorrect or misleading statements about the presence of Al-Qaida personnel in Bosnia-Herzegovina and the Caucasus during conflicts that took place there in the mid-1990s. As I have already covered this subject in my first report, I will take this opportunity only to add two additional points.

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<sup>106</sup> See <http://web.archive.org/web/19990827181621/http://www.interlog.com/%7Ewamy/Important%20Telephone/Important%20Telephone.html>.

<sup>107</sup> WAMYSA 4400-4401, 4455-4456, 4579-4580.

<sup>108</sup> WAMYSA 4442-4443, 4480.

<sup>109</sup> WAMYSA 1748, 1946, 1948-1954, 1957-1958, 4407, FED-PEC 217320-217332, FED-PEC 217346-217358, FED-PEC 217359-217370.

<sup>110</sup> WAMYSA 4517.

<sup>111</sup> WAMYSA 1873-1878.